

## **FINDINGS**

### **Rezone Z21-0010, Williamson Act Contract (Agricultural Preserve) WAC21-0003/ Indian Rock Tree Farm (Hyder) Planning Commission/November 14, 2024**

#### **1.0 California Environmental Quality Act (CEQA) FINDINGS**

- 1.1 An Initial Study has been prepared analyzing potential environmental impacts with implementation of the project. Based on the Initial Study, impacts have been identified to be less than significant with the implementation of Mitigation Measures, and a Mitigated Negative Declaration has been prepared.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning Division at 2850 Fairlane Court, Placerville, CA, 95667.

#### **2.0 GENERAL PLAN FINDINGS**

##### **2.1 The project is consistent with General Plan Policy 2.1.3.1.**

General Plan Policy 2.1.3.1 establishes all lands not contained within the boundaries of a Community Region or a Rural Center are classified as Rural Regions.

Rationale: The proposed project is located in the Camino Rural Region. As stated in General Plan Objective 2.1.3, the Rural Regions provide a land use pattern that maintains the open character of the County, preserves its natural resources, recognizes the constraints of the land and the limited availability of infrastructure and public services, and preserves the agricultural and forest/timber area to ensure its long-term viability. The proposed project would be consistent with the objectives for Rural Regions. The project is consistent with this policy.

##### **2.2 The project is consistent with General Plan Policy 2.2.1.2.**

General Plan Policy 2.2.1.2 identifies the Agricultural Lands (AL) land use designation applied to lands described in Policy 8.1.1.8. A maximum of two (2) residential dwellings used to support the agricultural use are allowed. The AL designation may be applied in Rural Regions only.

Rationale: The proposed project would rezone the property from Timber Production Zone (TPZ) to Planned Agricultural, Twenty-acre (PA-20) and would establish a Williamson Act Contract (Agricultural Preserve) for an established tree farm, Indian Rock Tree Farm (Christmas trees) and located in the Camino Rural Region. The project is consistent with this policy.

**2.3 The project is consistent with General Plan Policy 2.2.5.2.**

General Plan Policy 2.2.5.2 states that all applications for discretionary projects or permits including, but not limited to, General Plan Amendments, zoning boundary amendments, Tentative Maps for major and minor land divisions, and Special Use Permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan Amendments, such Amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.

Rationale: The proposed project, as conditioned, is consistent with applicable General Plan Policies, as discussed in this Staff Report. The project is consistent with this policy.

**2.4 The project is consistent with General Plan Policy 2.2.5.3.**

General Plan Policy 2.2.5.3 states the County shall evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include, but are not limited to, the following:

- 1) Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;
- 2) Availability and capacity of public-treated water system;
- 3) Availability and capacity of public waste water treatment system;
- 4) Distance to and capacity of the serving elementary and high schools;
- 5) Response time from nearest fire station handling structure fires;
- 6) Distance to nearest Community Region or Rural Center;
- 7) Erosion hazard;
- 8) Septic and leach field capability;
- 9) Groundwater capability to support wells;
- 10) Critical flora and fauna habitat areas;
- 11) Important timber production areas;
- 12) Important agricultural areas;
- 13) Important mineral resource areas;
- 14) Capacity of the transportation system serving the area;
- 15) Existing land use pattern;
- 16) Proximity to perennial water course;
- 17) Important historical/archeological sites;
- 18) Seismic hazards and presence of active faults; and
- 19) Consistency with existing Covenants, Conditions, and Restrictions (CC&Rs).

Rationale: The proposed project includes a request for a Rezone from TPZ to PA-20.  
Rationale responses to the required criteria:

- 1) N/A, project site not serviced by public water/sewer service.
- 2) N/A, project site not served by public treated water system.
- 3) N/A, project site not served by public treated wastewater system.
- 4) N/A, the proposed project is not a growth inducing project and would not have an impact on schools.
- 5) The El Dorado County Fire Protection District (EDCFPD) reviewed the project and provided comments. No significant impacts were identified, and comments provided by EDCFPD are included as Conditions of Approval.
- 6) The property is located in the Camino Rural Region, which is an area outside of the Community Region and Rural Center boundaries. The approximate distance to the nearest Community Region is 2.4-miles (Placerville), and nearest Rural Center is 1.1-miles (Camino).
- 7) No grading or development is proposed with this project, so no erosion hazards were identified. Any future development would require review during grading and/or building permit submittal.
- 8) Environmental Management Department (EMD) reviewed the project and provided comments. No significant impacts were identified, and comments provided by EMD are included as Conditions of Approval.
- 9) EMD reviewed the project and provided comments. No significant impacts were identified, and comments provided by EMD are included as Conditions of Approval.
- 10) A Biological Resources Report, Special-Status Species Survey, and Wetland Delineation Report was prepared by Ruth A. Willson, of Site Consulting, Inc., Biological Services, reports dated September 2022. Based on the reports, no special status plant or wildlife species were observed during focused surveys and special status plant and wildlife species are presumed absent from the site. A mitigation measure is included (BIO-1) to require a pre-construction survey for Nesting and Foraging Habitat, Raptors and Migratory Birds.
- 11) The project site is in Camino which does have timber production; however, the project site is not designated as a Timber Production Area. Farm trees, such as Christmas trees, are not considered timber production.
- 12) The project site is in Camino which is an important agricultural area and within an Agricultural District. The Agricultural Commission reviewed the project and forwarded a recommendation of approval of the proposed rezone and establishment of an Agricultural Preserve on October 11, 2023.
- 13) N/A, project site not in an important Mineral Resource Area.
- 14) The El Dorado County Department of Transportation (DOT) reviewed the project and determined that the project would not conflict with a

Transportation plan, policy, or ordinance. Based on review of the project description, a full Transportation Impact Study (TIS) was not required as the majority of project trips, on average, resulting from special events and not anticipated to occur regularly/daily and will mostly occur on weekends or outside weekday peak hours, and would not exceed thresholds described in General Plan Policy TC-Xe. Approval of the project would not necessitate construction of road improvements to meet or maintain General Plan policy level of service standards.

- 15) The existing land use pattern is similar with adjacent parcels zoned as Residential, Two-acre (R2A), Rural Land, Ten-acre (RL-10), and PA-20, and General Plan land use designation of Medium Density Residential (MDR) and Agricultural Lands (AL). The proposed project would not alter the existing land use pattern.
- 16) The Biological Resources Report prepared for the project did identify a perennial water course on-site (year-round). A perennial stream, North Canyon Creek, flows northwesterly through the property with a five percent (5%) gradient. The creek collects water from intermittent and ephemeral sources upstream of Larsen Reservoir, which is located one-half mile upstream. The creek flows through the property and exits at the western boundary and flows towards the South Fork of the American River. The creek provides fly-fishing recreation. The revenue generated from this use is part of the income to meet the Williamson Act Contract requirements. No direct impacts are proposed as a result of the project.
- 17) The Cultural Resources Report prepared for the project did not identify any historical/archaeological sites. Standard protective measures are included as Conditions of Approval.
- 18) N/A, no seismic hazards or presence of active faults are present on the project site or nearby vicinity.
- 19) N/A, no CC&Rs.

The Findings for General Plan 2.2.5.3 have been made. As conditioned, the project is consistent with this policy.

## 2.5 **The project is consistent with General Plan Policy 2.2.5.21.**

General Plan Policy 2.2.5.21 requires development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

Rationale: The proposed project has been analyzed for compatibility with adjacent uses. As shown in the Table of Adjacent Uses, the adjacent properties are similarly zoned, and the proposed project would not create an incompatible

use. Conditions of Approval are incorporated to ensure consistency with the applicable requirements. The project is consistent with this policy.

**2.6 The project is consistent with General Plan Policy TC-Xa.**

Except as otherwise provided, the following TC-Xa policies shall remain in effect indefinitely unless amended by voters:

1. Traffic from residential development projects of five (5) or more units or parcels of land shall not result in, or worsen, Level of Service (LOS) F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.

Rationale: The project will not create residential units; therefore, this policy does not apply.

2. The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at LOS F without first getting the voters' approval.

Rationale: This is not applicable as the project is not requesting any modifications to Table TC-2.

3. Intentionally blank (Resolution 125-2019, August 6, 2019)

4. Intentionally blank (Resolution 159-2017, October 24, 2017)

5. The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

Rationale: This is not applicable as the project is not requesting the County create an Infrastructure Financing District.

6. Intentionally blank (Resolution 159-2017, October 24, 2017)

7. Before giving approval of any kind to a residential development of five (5) or more units or parcels of land, the County shall make the finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect public health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Rationale: This policy is not applicable as the project will not result in five or more units or parcels of land for residential development.

**2.7 General Plan Policy TC-Xb does not apply.**

To ensure that potential development in the County does not exceed available roadway capacity, the County shall:

- A. Every year prepare an annual Capital Improvement Program (CIP) specifying expenditures for roadway improvements within the next 10 years. At least every five (5) years prepare a CIP specifying expenditures for roadway improvements within the next 20 years. Each plan shall contain identification of funding sources sufficient to develop the improvements identified;
- B. At least every five (5) years, prepare a Traffic Impact Mitigation (TIM) Fee Program specifying roadway improvements to be completed within the next 20 years to ensure compliance with all applicable LOS and other standards in this plan; and
- C. Annually monitor traffic volumes on the County's major roadway system depicted in Figure TC-1.

Rationale: This policy is not applicable as this policy refers to the County preparing a CIP, preparing a TIM Fee Program, and monitoring traffic volumes.

**2.8 General Plan Policy TC-Xc does not apply.**

Developer paid traffic impact fees (TIF) combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the County (Resolution 201-2018, September 25, 2018).

Rationale: This policy is not applicable as this policy directs how the County will pay for building the necessary road capacity.

**2.9 The project is consistent with General Plan Policy TC-Xd.**

LOS for County-maintained roads and State highways within the unincorporated areas of the County shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. LOS will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgement of the County Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak Hour traffic volumes.

Rationale: This project would not worsen LOS, as defined in General Plan Policy TC-Xe, for any County-maintained Road or State highway.

**2.10 The project is consistent with General Plan Policy TC-Xe.**

For the purposes of this Transportation and Circulation Element, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. A two (2) percent increase in traffic during the AM Peak Hour, PM Peak Hour, or daily; or
- B. The addition of 100 or more daily trips; or
- C. The addition of ten (10) or more trips during the AM Peak Hour or the PM Peak Hour.

Rationale: The project as proposed would not worsen traffic operations and is therefore consistent with this policy. The majority of project trips, on average, resulting from special events are not anticipated to occur regularly/daily and will mostly occur on weekends or outside weekday peak hours, and are not anticipated to exceed the thresholds described.

**2.11 General Plan Policy TC-Xf does not apply.**

At the time of approval of a Tentative Parcel Map for a single-family residential subdivision of five (5) or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A], [B], or [C]) traffic on the County road system, the County shall do one (1) of the following: (1) condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County’s 10-year CIP.

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A], [B], or [C]) traffic on County road system, the County shall do one (1) of the following: (1) condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County’s 20-year CIP.

Rationale: This policy is applicable to projects that worsen traffic on the County road system as defined in Policy TC-Xe. The project, as proposed, would not worsen traffic operations, and therefore, this policy does not apply.

**2.12 General Plan Policy TC-Xg does not apply.**

Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts

from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of development. This policy shall remain in effect indefinitely unless amended by voters.

Rationale: The project, as proposed, would not worsen traffic conditions.

**2.13 This project is consistent with General Plan Policy TC-Xh.**

All subdivisions shall be conditioned to pay the TIF in effect at the time a building permit is issued for any parcel created by the subdivision.

Rationale: The project would pay TIF at the time a building permit is issued. Resolution 079-2024 of the Board of Supervisors of El Dorado County states, “Applicants shall pay the TIF rate in effect at the time of building permit issuance or at the time of approval of an application for a change in the use of a building or property as provided in County Code Chapter 12.28 and the TIF Administration Manual.”

**2.14 General Plan Policy TC-Xi does not apply.**

The planning for the widening of U.S. Highway 50, consistent with the policies of this General Plan, shall be a priority of the County. The County shall coordinate with other affected agencies, such as the City of Folsom, the County of Sacramento, and Sacramento Area Council of Governments (SACOG) to ensure that U.S. Highway 50 capacity enhancing projects are coordinated with these agencies with the goal of delivering these projects on a schedule agreed to by related regional agencies.

Rationale: This policy is not applicable to the project as it is direction to the County to coordinate with other Agencies, and the project does not include any U.S. Highway 50 capacity enhancements.

**2.15 The project is consistent with General Plan Policy 5.2.3.4.**

General Plan Policy 5.2.3.4 states that all applications for divisions of land and other discretionary or ministerial land uses which rely on groundwater for domestic use, or any other type of use, shall demonstrate that groundwater is adequate as part of the review and approval process. The County shall not approve any discretionary or ministerial projects unless the County finds, based on evidence provided by the applicant, or other evidence that may be provided, that the groundwater supply for the project in question is adequate to meet the highest demand associated with the approval in question.

Rationale: EMD reviewed the project and provided comments that are incorporated as Conditions of Approval. The project is consistent with this policy.

**2.16 The project is consistent with General Plan Policy 5.3.2.4.**



General Plan Policy 5.3.2.4 states that the EMD shall develop a septic system monitoring program.

Rationale: EMD reviewed the project and provided comments that are incorporated as Conditions of Approval. The project is consistent with this policy.

**2.17 The project is consistent with General Plan Policy 5.4.1.2.**

General Plan Policy 5.4.1.2 states discretionary development shall protect natural drainage patterns, minimize erosion, and ensure existing facilities are not adversely impacted while retaining the aesthetic qualities of the drainage way.

Rationale: The Biological Resources Report prepared for the project did identify a perennial water course on-site (year-round). A perennial stream, North Canyon Creek, flows northwesterly through the property with a five percent (5%) gradient. The creek collects water from intermittent and ephemeral sources upstream of Larsen Reservoir, which is located one-half mile upstream. The creek flows through the property and exits at the western boundary and flows towards the South Fork of the American River. The creek provides fly-fishing recreation. Although no development is proposed at this time, any future development would require further review during grading and building permit submittal to ensure protection of natural drainage patterns, minimize erosion, and ensure existing facilities are not adversely impacted while retaining the aesthetic qualities of the drainage way. Future development would also be subject to Zoning Ordinance Section 130.30.050 - Setback Requirements and Exceptions, which requires a minimum setback distance of 25-feet from any intermittent stream, wetland, or riparian habitat. The project is consistent with this policy.

**2.18 The project is consistent with General Plan Policy 5.7.2.1.**

General Plan Policy 5.7.2.1 states prior to approval of new development, the responsible fire protection district shall be requested to review all applications to determine the ability of the district to provide protection services. The ability to provide fire protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as conditions of approval.

Rationale: EDCFPD reviewed the project and provided comments incorporated as Conditions of Approval. As conditioned, the project is consistent with this policy.

**2.19 The project is consistent with General Plan Policy 6.5.1.2**

General Plan Policy 5.7.2.1 states prior to approval of new development, the responsible

fire protection district shall be requested to review all applications to determine the ability of the district to provide protection services. The ability to provide fire protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as conditions of approval.

Rationale: EDCFPD reviewed the project and provided comments incorporated as Conditions of Approval. As conditioned, the project is consistent with this policy.

## 2.20 **The project is consistent with General Plan Policy 7.4.2.8.**

General Plan Policy 7.4.2.8 states site-specific biological resources technical report will be required to determine the presence of special-status biological resources that may be affected by a proposed discretionary project.

Rationale: A Biological Resources Report, Special-Status Species Survey, and Wetland Delineation Report was prepared by Ruth A. Willson, of Site Consulting, Inc., Biological Services, reports dated September 2022. Based on the reports, no special status plant or wildlife species were observed during focused surveys and special status plant and wildlife species are presumed absent from the site. Although no development is being proposed as part of this project, a mitigation measure is included (BIO-1) to require a pre-construction survey for Nesting and Foraging Habitat, Raptors and Migratory Birds should any future development applications be submitted. As mitigated, the project is consistent with this policy.

## 2.21 **The project is consistent with General Plan Policy 7.5.1.3.**

General Plan Policy 7.5.1.3 states cultural resource studies shall be conducted prior to approval of discretionary projects. Studies may include, but are not limited to, record searches through the North Central Information Center (NCIC) at California State University Sacramento and field surveys. The avoidance and protection of sites shall be encouraged.

Rationale: A record search was prepared by the NCIC of the California Historical Resources Information System (CHRIS) in Sacramento with report dated June 24, 2022. Based on results of the record search, a Cultural Resources Study was prepared by Dana E. Supernowicz, report dated August 2022. One precontact archaeological site was identified with the project and recorded as Hyder Grinding Rocks. The grinding rocks lie within the margins of a stream channel and riparian zone. Thus, preservation or protection of the site can be addressed with standard non-building setback or easement on either side of the drainage. No grading or construction is proposed as part of this project. In the event that a concentration of artifacts

or culturally modified soil deposits should be encountered at any time during future ground disturbing activities, all work must stop until a qualified archaeologist, and Tribes, would be notified to view the finds to make an evaluation. If warranted, further archaeological work in the discovery area would be performed. The project is subject to the Cultural Resources provisions of CEQA Assembly Bill 52 (AB52), which requires Native American outreach. Pursuant to AB52, the County solicited input from Native American organizations and representatives listed with the Native American Heritage Commission to identify cultural resources and properties of concern to the Native American Community. Standard protective conditions of approval are incorporated with the project. As conditioned, the project is consistent with this policy.

**2.22 The project is consistent with General Plan Policy 8.1.1.1.**

General Plan Policy 8.1.1.1 states that Agricultural Districts shall be created and maintained for purposes of conserving, protecting and encouraging agricultural use of such lands. The project parcel is within an Agricultural District.

Rationale: The project parcel is within an Agricultural District and identified as farmland of local importance. The project is consistent with this policy.

**2.23 The project is consistent with General Plan Policy 8.1.1.4.**

General Plan Policy 8.1.1.4 requires that the procedures set forth in *The Procedure for Evaluating the Suitability of Land for Agriculture* shall be used for evaluating the suitability of agricultural lands in Agricultural Districts and Williamson Act Contract lands.

Rationale: The project parcel is located within an Agricultural District and has been reviewed for agricultural suitability by the County Agricultural Commission who recommended approval at their meeting on October 11, 2023, and has been determined to have met the required standards sufficient to be granted approval of a Williamson Act Contract. The project is consistent with this policy.

**2.24 The project is consistent with General Plan Policy 8.1.3.5.**

General Plan Policy 8.1.3.5 states that for any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider and provide a recommendation on the agricultural use or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved.

Rationale: The Williamson Act Contract application was forwarded to the Agricultural Commission for review and recommendation at a public hearing on October

11, 2023. The Commission voted to recommend approval of the Williamson Act contract. The project is consistent with this policy.

**2.25 The project is consistent with General Plan Policy 8.1.4.1.**

General Plan Policy 8.1.4.1 requires the County Agricultural Commission to review all discretionary development applications involving land zoned for or designated agriculture.

Rationale: The County Agricultural Commission reviewed the application on October 11, 2023, and determined that the Williamson Act contract met the minimum criteria for agricultural operations. The project is consistent with this policy.

**2.26 The project is consistent with General Plan Policy 8.2.4.1.**

General Plan Policy 8.2.4.1 seeks to ensure long-term conservation, enhancement, and expansion of viable agricultural lands.

Rationale: The project is a request for the use of the parcel under the provisions of a Williamson Act Contract program. The project is consistent with this policy.

**3.0 ZONING FINDINGS**

**3.1 The project is consistent with Title 130.**

Rationale: A tree farm, Indian Rock Tree Farm (Christmas trees), is established on the subject property, which is currently zoned TPZ, which is permitted by right in accordance with Section 130.21.020 of the Zoning Ordinance (Agricultural, Rural, and Resource Zone Districts Use Matrix). The project includes a request to rezone from TPZ to PA Zone District. Tree farms are a permitted use in PA and consistent with Section 130.40.060.B.1 (Criteria for Establishment of Agricultural Preserves) of the Zoning Ordinance. The project is consistent with Title 130.

**3.2 The project is consistent with Section 130.21.010 C.1.**

Section 130.21.010 C.1 Planned Agricultural (PA): The project site is currently zoned TPZ. The proposed project would rezone to PA-20. The PA zone applies to the development of agricultural enterprises and uses whether encumbered by a farmland conservation contract or not. This zone shall be utilized to identify those lands most capable of supporting horticulture, aquaculture, ranching, and grazing, based on existing use, soil type, water availability, topography, and similar factors. Agricultural enterprise is intended to be the primary use of these lands, but compatible commercial uses, as listed in Table 130.21.020 (Agricultural, Rural, and Resource Zone Districts Use Matrix) below in this Chapter, may

also be allowed in compliance with the provisions of this Chapter. Minimum lot size designators shall be applied to this zone based on commodity type, soil type, surrounding uses, and other appropriate factors. The designator shall represent the number of acres and shall be in the following increments: 10, 20, 40, 80, and 160.

Rationale: The proposed project to Rezone from TPZ to PA-20 would meet the development standards for PA including minimum lot size and setbacks. The project is consistent with this section.

### 3.3 **The project is consistent with Section 130.30.050 G.**

Section 130.30.050 G. Protection of Wetlands and Sensitive Riparian Habitat establishes standards for avoidance and minimization of impacts to wetlands and sensitive riparian habitat. New ministerial and discretionary development shall avoid or minimize impacts to perennial streams, rivers or lakes, intermittent streams and wetlands, and any sensitive riparian habitat to the maximum extent practicable. Ministerial development, including single family dwellings and accessory structures, shall be set back a distance of 25 feet from any intermittent stream, wetland or sensitive riparian habitat, or a distance of 50 feet from any perennial lake, river, or stream. All discretionary development which has the potential to impact wetlands or sensitive riparian habitat shall require a Biological Resource Assessment to establish the area of avoidance and any buffers or setbacks required to reduce the impacts to a less than significant level.

Rationale: The Biological Resources Report, Special-Status Species Survey, and Wetland Delineation Report was prepared by Ruth A. Willson, of Site Consulting, Inc., Biological Services, reports dated September 2022. Based on the reports, no special status plant or wildlife species were observed during focused surveys and special status plant and wildlife species are presumed absent from the site. Although no development is proposed at this time, any future development would require further review during grading and building permit submittal to ensure protection of natural drainage patterns, minimize erosion, and ensure existing facilities are not adversely impacted while retaining the aesthetic qualities of the drainage way. A mitigation measure is included (BIO-1) to require a pre-construction survey for Nesting and Foraging Habitat, Raptors, and Migratory Birds. Future development would also be subject to Zoning Ordinance Section 130.30.050 - Setback Requirements and Exceptions, which requires a minimum setback distance of 25-feet from any intermittent stream, wetland, or riparian habitat. The project is consistent with this section.

### 3.4 **The proposed project is consistent with 130.63.020 D.**

Section 130.63.020 D. states that where a zone change amendment to a higher density or intensity zone is being proposed, the Commission and the Board shall consider the criteria identified in General Plan Policy 2.2.5.3, including, but not limited to, consistency with the General Plan as to minimum parcel size or maximum density, availability of adequate

infrastructure and support services for the increased land use demands, and compatibility with surrounding land uses.

Rationale: Findings for General Plan 2.2.5.3 have been made as discussed in General Plan Findings Section 2.4. The project is consistent with this section.

## **4.0 ADMINISTRATIVE FINDINGS**

### **4.1 Williamson Act Contract**

The property satisfies the County's three criteria for the establishment of an Agricultural Preserve, as defined in Resolution Number 188-2002, as follows:

#### **4.1.1 Minimum Acreage for High-Intensity Farming Operations:**

Minimum acreage 20 acres consisting of a single lot or contiguous lots: WAC21-0003 consists of 33.22-acres containing 17.0-acres of Christmas trees.

#### **4.1.2 Capital Outlay for High-Intensity Farming Operations:**

Minimum Capital Outlay \$45,000.00: WAC21-0003 exceeds the minimum \$45,000.00 by expending approximately \$515,564.00 in the Christmas tree farm with tree plantings, fence lines, fly fishing stream, agricultural operation buildings, and related improvements.

#### **4.1.3 Income for High-Intensity Farming Operations:**

Minimum Annual Gross Income \$13,500.00: WAC21-0003 exceeds the minimum annual gross income at approximately \$221,738.00 in Christmas trees per year.

## **5.0 California Department of Tax and Fee Administration, Timberland Findings**

5.1 The project is consistent with Article 4. Immediate Rezoning, Section 51134.

Article 4, Section 51134 (History-Amended by Stats. 1982, Ch. 1489, Sec. 21):

(a) If an application for conversion is not required pursuant to Section 4621 of the Public Resources Code, the board or council may approve the immediate rezoning request only if by a four-fifths vote of the full board or council it makes written findings that all of the following exist:

(1) The immediate rezoning would be in the public interest.

(2) The immediate rezoning does not have a substantial and unmitigated adverse effect upon the continued timber-growing use or open-space use of other land zoned

- as timberland production and situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed.
- (3) The soils, slopes, and watershed conditions will be suitable for the uses proposed by the applicant if the immediate rezoning is approved.
- (4) The immediate rezoning is not inconsistent with the purposes of subdivision (j) of Section 3 of Article XIII of the Constitution and of this chapter.
- (b) The existence of an opportunity for an alternative use of the land shall not alone be sufficient reason for granting a request for immediate rezoning pursuant to this section. Immediate rezoning shall be considered only if there is no proximate and suitable land which is not zoned as timberland production for the alternate use not permitted within a timberland production zone.
- (c) The uneconomic character of the existing use shall not be sufficient reason for the approval of immediate rezoning pursuant to this section. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable timber-growing use to which the land may be put.
- (d) Immediate rezoning action shall comply with all the applicable provisions of state law and local ordinances.
- (e) The county or city may require the payment of a fee by the landowner for the cost of processing the application and recording the necessary documentation.

Rationale: Findings for Article 4, Section 51134 have been made as discussed in the Staff Report Findings 2.0-4.0, and the comments and recommendation from the County Agricultural Commission (Exhibit I). The project would not result in the loss or conversion of timberland. The project is consistent with this section.